

Examiner-Initiated Interview Summary

Application No.

09/424,951

Applicant(s)

SRIKANTHA ET AL.

Examiner

David A. Lambertson

Art Unit

1636

All Participants:(1) David A. Lambertson, Ph.D.(2) Teresa Spehar.**Status of Application:** _____

(3) _____.

(4) _____.

Date of Interview: 25 November 2003**Time:** 2:30pm**Type of Interview:**☒ Telephonic☐ Video Conference☐ Personal (Copy given to: ☐ Applicant ☐ Applicant's representative)Exhibit Shown or Demonstrated: ☐ Yes ☒ No

If Yes, provide a brief description:

Part I.

Rejection(s) discussed:

Claims discussed:

1, 9, 14, 15 and 20

Prior art documents discussed:

Part II.

SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:

*See Continuation Sheet***Part III.**☒ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

(Examiner/SPE Signature)

(Applicant/Applicant's Representative Signature – if appropriate)

Continuation of Substance of Interview including description of the general nature of what was discussed: Applicant's attorney/agent was contacted regarding expedition of the allowance of the instant application. The following issues were raised:

1. As it regards the "percent identity rejection" under 35 USC § 112, first paragraph, the examiner was convinced (by applicant's arguments in view of the claim amendments) of a written description for an isolated nucleotide sequence that encoded a protein having 90% identity (or greater) with SEQ ID NO: 3 of the instant application, wherein said protein displays kinase activity. However, the written description rejection would be maintained regarding a nucleotide sequence encoding a protein having less than 90% identity with SEQ ID NO: 3. It was suggested that claim 1 be amended to recite an identity of "90% or greater" in order to obviate such a rejection. Furthermore, as it regards dependent claims 14 and 15 which also recited an identity of less than 90%, it was suggested that these claims be amended to reflect 95% and 99% percent identity, respectively, to obviate the same 35 USC § 112, first paragraph rejection.
2. As it regards claim 9, the term "effecting" was unclear, and it was suggested that the term be replaced with "performing."
3. As it regards claim 20, it was indicated that the specification repeatedly referred to the lambda phage as SA15.1, and that it appeared claim 20 had a typographical error by referring to the strain as SG15.1. Furthermore, it was suggested that a parenthetical phrase be inserted after SA15.1 in order to indicate that SA15.1 was indeed the deposited Ca lambda 15.1. This statement was suggested so as to clearly provide a nexus between the claimed subject matter and the deposit statement.

In addition, formal alterations to the specification were suggested.

Applicant's attorney/agent indicated that approval was required by Applicant prior to an Examiner's Amendment. In a subsequent conversation, Applicant's representative indicated that for the sole purpose of expediting the prosecution and allowance of the instant application and without acquiescing to the correctness of the Examiner's statements/contention, the Examiner's Amendment was approved..